

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

PUERTO RICO ELECTRIC POWER AUTHORITY,

Debtor.

PROMESA

Title III

Case No. 17 BK 3283-LTS

(Jointly Administered)

In re:

THE FINANCIAL OVERSIGHT AND MANAGEMENT
BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,
Debtors.¹

PROMESA

Title III

Case No. 17 BK 4780-LTS

**URGENT MOTION FOR EXPEDITED CONSIDERATION OF AAFAF AND
PREPA'S URGENT MOTION FOR PROTECTIVE ORDER QUASHING
OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DEPOSITION
NOTICE TO JOSE ORTIZ**

¹ The Debtors in these Title III cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283 (LTS)) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284 (LTS)) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567 (LTS)) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566 (LTS)) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780 (LTS)) (Last Four Digits of Federal Tax ID: 3747) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

To the Honorable United States Magistrate Judge Judith Gail Dein:

The Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”) and the Puerto Rico Electric Power Authority (“PREPA”)² hereby bring this urgent motion (“Urgent Motion”) to request entry of an order, in the form attached hereto as **Exhibit A** (“Proposed Order”), expediting consideration of *AAFAF and PREPA’s Urgent Motion for Protective Order Quashing Official Committee of Unsecured Creditors’ Deposition Notice to Jose Ortiz* (the “Motion”).³ In support of this Urgent Motion, AAFAF and PREPA respectfully state as follows:

JURISDICTION AND VENUE

1. The United States District Court for the District of Puerto Rico has subject matter jurisdiction pursuant to PROMESA § 306(a).
2. Venue is appropriate in this District pursuant to PROMESA § 307(a).
3. The statutory bases for the relief requested herein are PROMESA § 106(d), section 105(a) of the Bankruptcy Code and Bankruptcy Rule 9006, made applicable to these Title III cases by PROMESA §§ 301(a) and 310, Rule 9013-1 of the Local Bankruptcy Rules for the United States Bankruptcy Court for the District of Puerto Rico and the *Tenth Amended Notice, Case Management and Administrative Procedures* (Dkt. No. 8027-1, Case No. 17-03283-LTS) (the “Case Management Procedures”).

RELIEF REQUESTED

4. By this Urgent Motion, AAFAF and PREPA respectfully request entry of the Proposed Order, which provides the following schedule: (a) objections or responses to the

² The Financial Oversight and Management Board for Puerto Rico (“Oversight Board”), as PREPA’s representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”), has authorized the undersigned to file the Urgent Motion on behalf of PREPA.

³ Capitalized terms not defined herein have the meaning set forth in the Motion.

Motion to be filed no later than Friday, **September 6, 2019**; and (b) replies in further support of the Motion to be filed no later than Monday, **September 9, 2019**.

5. AAFAF and PREPA further request that this Court thereafter take the Motion on submission.

BASIS FOR RELIEF REQUESTED

6. PROMESA § 106(d) states: “It shall be the duty of the applicable United States District Court, the applicable United States Court of Appeals and, as applicable, the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under [PROMESA].” Moreover, Bankruptcy Code § 105(a), made applicable to these Title III cases under PROMESA § 301(a), permits the Court to “issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of [PROMESA].” In addition, “when an act is required or allowed to be done at or within a specified time by these rules or by a notice given thereunder or by order of court, the court for cause shown may in its discretion with or without motion or notice order the period reduced.” Fed. R. Bankr. P. 9006(c)(1).⁴ Further, Local Rule 9013-1(a) allows a party to request that a court consider a motion on an expedited basis. Moreover, Bankruptcy Code section 105(a) permits the Court to “issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of [PROMESA].” As shown below, cause exists to hear the Motion on an expedited basis.

7. The Court should expedite consideration of the Motion to avoid further delay to the Court’s resolution of the 9019 Motion. Additionally, the parties are currently working

⁴ The Federal Rules of Bankruptcy Procedure apply to cases under title III and all civil proceedings arising in or related to such cases. *See* PROMESA § 310.

diligently to complete document discovery and fact depositions, which are set to commence next week, and would benefit from knowing whether the discovery sought in the Ortiz Deposition Notice needs to be accomplished in addition to the significant discovery already underway.

8. Counsel for AAFAF and PREPA has communicated with counsel for the UCC, which issued the Ortiz Deposition Notice, and the UCC does not oppose the relief requested herein.

CERTIFICATION

9. Pursuant to Local Rule 9013-1 and paragraph I.H of the Case Management Procedures, AAFAF and PREPA hereby certify that they have (a) carefully examined the matter and concluded that there is a true need for an urgent hearing; (b) not created the urgency through a lack of due diligence; (c) made a bona fide effort to resolve the matter without a hearing; (d) made reasonable, good faith communications in an effort to resolve or narrow the issues being brought to the court; and (e) conferred with counsel for the UCC, who has informed counsel for AAFAF and PREPA that the UCC does not oppose the Urgent Motion.

NOTICE

10. Notice of the Urgent Motion has been provided to counsel for the UCC.

NO PRIOR REQUEST

11. No previous request for the relief requested herein has been made to this or any other court.

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WHEREFORE, AAFAF and PREPA respectfully request that the Court enter the Proposed Order, and award such other relief as the Court deems just and proper.

Dated: September 4, 2019
San Juan, Puerto Rico

Respectfully submitted,

/s/ Elizabeth L. McKeen

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